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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,389	04/14/2004	Alberto Patarchi	163-545	6413
47888 7590 03/12/2007 HEDMAN & COSTIGAN P.C. 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036			EXAMINER PRESTON, ERIK D	
			ART UNIT	PAPER NUMBER
			2834	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/12/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/824,389

Applicant(s)

PATARCHI, ALBERTO

Examiner

Erik D. Preston

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/16/2006 has been entered.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1,5,6,10 &12 are rejected under 35 U.S.C. 102(b) as being anticipated by Esswein (US 5327032, supplied by applicant).

With respect to claim 1, Esswein teaches an electric motor comprising: A stator (Fig. 2, #38), a single body magnetic induction core (Fig. 6, #10) constrained to said stator (by way of mounting block: Fig. 2, #12), at least one coil of magnetic excitation (Fig. 2, #34) associated to said induction core, a rotor (Fig. 2, #18) of substantially cylindrical shape comprising at least one permanent magnet (Fig. 2, #28) adapted to form on said rotor at least two magnetic poles of opposite polarity, said single body magnetic induction core and said at least one coil being adapted to form at least two magnetic induction poles of opposite polarity on said single body induction core, which is produced in a single body (as seen in Figs. 1 & 6) and comprises a circular central

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hole for housing said rotor, a ring-shaped air gap (of the type as seen in Fig. 2) between said rotor and said single body induction core, at least two opposing extensions adapted to form said at least two magnetic induction poles in opposite position from each other and in proximity to said circular central hole, at least two opposing and external magnetic separation notches (Fig. 6, #22a,24a,26a) on the entirety of (as seen in Fig. 6) an outer surface of said single body induction core, said external magnetic separation notches being alternately arranged with respect to said extensions, adapted to generate a magnetic separation between two adjacent, opposite-sign poles of the single body magnetic induction core, such that the rotor is arranged with each magnetic pole between two adjacent poles of the single body magnetic induction core when the motor is de-energized (as seen in Fig. 5).

With respect to claim 5, Esswein teaches the motor of claim 1, wherein said induction core comprises two opposing extensions (Fig. 2, #30).

With respect to claim 6, Esswein teaches the motor of claim 5, wherein said rotor comprises two opposing permanent magnets (as seen in Fig. 2).

With respect to claim 10, Esswein teaches the motor of claim 1 wherein electrical energy is gained by the ends of the induction coils when mechanical energy is applied to the rotation axis (which is inherent to all dynamoelectric machines of the type that is taught by Esswein).

With respect to claim 12, Esswein teaches the motor of claim 1 wherein a coil is associated with the induction pole.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 7, 11 & 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Esswein (US 5327032, supplied by applicant).

With respect to claim 7, Esswein teaches the motor of claim 1, but it does not teach that said rotor comprises a single permanent magnet with alternate poles arranged on the side surface of said rotor. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the two rotor magnets of Esswein into one unitary magnet since it has been held that "the use of a one piece construction...would be merely a matter of obvious engineering choice." (In re Larson, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965)).

With respect to claim 11, Esswein teaches the motor of claim 1, but it does not teach that permanent magnets are secured by insertion. However, inserting magnets into rotors was well known in the art at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to secure permanent magnets to the motor of Esswein using insertion because it provides a means for attaching magnets to a motor without the use of adhesives or external fasteners.

With respect to claim 14, Esswein teaches the motor of claim 1, but it does not specifically teach that a polarity exchange is carried out with a brush manifold. However, brush manifolds (brushes and commutators) were very well known in the art

at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a brush manifold to implement a polarity exchange in the motor of Esswein because brush manifolds are one of the oldest and most basic methods for controlling polarity exchanges in DC motors.

Claims 3 & 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Esswein (US 5327032 supplied by applicant) in view of Horst (EP 0676853 supplied by applicant).

With respect to claim 3, Esswein teaches the motor of claim 1, but it does not teach that said induction core comprises four equidistant extensions. However, Horst teaches a similar motor with four equidistant extensions (Fig. 3, #18a-d), and Esswein teaches that multiple extensions may be used (Col. 3, Lines 62-68). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the motor of Esswein in view of the motor as taught by Horst because it has more starting torque than other motors (Horst, Abstract).

With respect to claim 4, Esswein in view of Horst teaches the motor of claim 3, and Horst teaches that said rotor comprises four equidistant permanent magnets (Fig. 3, #24a-d).

Claims 8 & 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Esswein (US 5327032, supplied by applicant) in view of Mavidia et al. (EP 0342733, supplied by applicant). Esswein teaches the motor of claim 1, by it does not teach that said motor further comprises a hall-effect sensor adapted to control the position of the rotor. However, Mavidia teaches a hall-effect sensor (Fig. 8, #150) in a similar motor. It

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would have been obvious to one of ordinary skill in the art at the time of the invention to modify the motor of Esswein in view of the sensor as taught by Mavidia because it provides a means for determining relative angular displacement of a motor's rotor (Col. 5, Lines 11-16).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Esswein (US 5327032, supplied by applicant) in view of Mavidia et al. (EP 0342733, previously cited) further in view of Mayes et al. (EP 0892490, supplied by applicant). Esswein in view of Mavidia teaches the motor of claim 8, but it does not teach that said polarity sensor is optical. However, Mayes teaches a motor using an optical sensor (Col. 3, Lines 6-13). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the sensor of Mavidia in view of the sensor as taught by Mayes as merely a substitution of known equivalent position sensors (Col. 3, Lines 6-13).

Response to Arguments

Applicant's arguments filed 4/25/2006 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the two opposing extensions are an integrally formed part of the single body magnetic core) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to the applicant's argument that the separation notches of Esswein are not formed on an entirety of an outer surface of the said single body magnetic induction core, it is noted that the slits illustrated in Fig. 1 are merely one embodiment of the flux obstructions of Esswein. The examiner is relying on the grooves (22a,24a,26a) included in the second embodiment (Fig. 6) to read on the notches of the first claim. Esswein teaches that its grooved single body magnetic induction core has a greater structural integrity when compared to the embodiment shown in Figs. 1 & 2 (Col. 5, Lines 35-40).

In response to the applicant's argument that the induction core of Esswein is a two piece core and therefore not a single body, it is noted that claim 1 makes no positive recitation of the two opposing extensions adapted to form said at least two magnetic induction poles being an integral part of the single body magnetic induction core. As can be seen in Fig. 6, the induction ring of Esswein is formed as a single body. It is also noted that, as was stated in a previous office action, even if claim 1 made a positive recitation of the two opposing extensions being an integrally formed part of the single body magnetic induction core, which it did not, the claim would still have been rejected under 35 USC 103 because it has been held that "the use of a one piece construction...would be merely a matter of obvious engineering choice." (In re Larson, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965)).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erik D. Preston whose telephone number is (571)272-8393. The examiner can normally be reached on Monday through Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571)272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



02/27/2007



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PRIMARY EXAMINER